

22966. Misbranding of Speedway Liniment. U. S. v. 10 Bottles, et al., of Speedway Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32514. Sample nos. 65251-A, 65252-A, 65253-A.)

This case involved a drug preparation that was labeled with unwarranted curative and therapeutic claims. It was also labeled to convey the impression that it had been examined and approved and was guaranteed by the Government, whereas it had not been approved and was not guaranteed by the Government.

On April 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 large bottles, 18 medium bottles, and 34 small bottles of Speedway Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Speedway Remedy Co., from Shelby, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of volatile oils including almond oil, eucalyptol, menthol, and methyl salicylate, alcohol (49 percent) by volume, and water colored green. Quantitative estimation of the volatile oils showed that the total proportion of those ingredients was less than 2 percent.

The article was alleged to be misbranded in that the statement in the circular, "Guaranteed by Speedway Remedy Co. under Food and Drugs Act, June 30, 1906, Serial No. 18992", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been approved by the Government and the Government did not guarantee that it complied with the law. Misbranding was alleged for the further reason that the cartons, bottle labels, and circulars contained false and fraudulent representations relative to its effectiveness as a treatment and remedy for all muscular soreness, muscular rheumatism, inflammatory rheumatism, backache, lumbago, stiff neck, sciatica, lameness, stiff joints, foot troubles, gouty feet, swollen feet, aching feet, bunions, sore throat, earache, toothache, azoturia, swelling and soreness of any kind, cold on the lungs, pneumonia, congestion of the throat, and eruptions caused by ptomaine poisoning; as effective in stopping and relieving all kinds of pain, or removing congestion, as effective in assisting nature in its process of reconstruction; in helping the circulation carry away all soreness; as to its penetrating and healing qualities; and as effective to leave the skin in the pink of condition.

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

22967. Misbranding of Glycan Foot Rub. U. S. v. 18 Jars and 34 Jars of Glycan Foot Rub. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32533, 32534. Sample nos. 68827-A, 68838-A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it had been perfected under the approval of this Department, whereas it had not.

On April 12, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 jars (50-cent size) and 34 jars (35-cent size) of Glycan Foot Rub at Wilmington, Del., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., in part by the Samaco Sales Co., Inc., on or about March 23, 1933, and in part by the Glycan Laboratories, Inc., on or about March 24, 1934, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of salicylic acid, extract of a plant drug such as cannabis (approximately 1.5 percent), a small proportion of borax, soap, stearic acid, and water (approximately 73 percent), perfumed with volatile oils such as menthol, methyl salicylate, and thymol.

It was alleged in the libels that the article was misbranded in that the following statement appearing in the circular was false and misleading: "Perfected under the approval of the Pure Food and Drug Department of the United States Government."

It was alleged in the libels that the article was misbranded in that the labeling contained false and fraudulent claims relative to its effectiveness in the treatment of bunions, distressed, suffering, aching, sore or swollen feet, inflamed tissues, soreness or inflammation, skin cracks, stiff, swollen, rheumatic joints, congestion or swelling, varicose veins, warts, and ground itch.

On July 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22968. Adulteration and misbranding of Sulfox. U. S. v. 142 Bottles and 58 Bottles of Sulfox. Default decrees of condemnation and destruction. (F. & D. nos. 32543, 32544. Sample nos. 61721-A, 61800-A.)

This case involved a drug product that was labeled with unwarranted claims as to its curative and therapeutic properties. It was also claimed for the article that it contained sulphur and oxygen and would be effective in destroying germs, whereas it contained no free sulphur or free oxygen, and would not destroy germs.

On April 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 bottles of Sulfox at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about December 11, 1931, and in part on or about January 27, 1932, by the Sulfox Manufacturing Co., from Mansfield, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of sulphur dioxide (not more than 0.3 percent), sulphuric acid (0.36 percent), ash (a trace), and water (more than 99 percent).

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (circular wrapped around the bottle) "Germ destroyer, * * * Its * * * Germ-Destroying Powers Destroys all Germs * * * Sulfox contains sulphur * * * and oxygen."

Misbranding was alleged for the reason that the following statements in the circular were false and misleading: "Germ destroyer * * * Its * * * Germ-Destroying Powers destroys all germs, * * * Sulfox contains sulphur * * * and oxygen." Misbranding was alleged for the further reason that the shipping container, bottle label, and circular contained false and fraudulent claims relative to its effectiveness to promote better health, keep the blood pure, regulate bowel action, purify the blood, destroy germs, and its effectiveness in stomach trouble, misery and torture at menstrual time, female trouble, boils, blood poisoning, sick stomach, pyorrhea, catarrh, throat trouble, etc., poor circulation, pollution of the blood stream, poisons of the system, diseases caused by the teeth, rheumatism, neuritis, nervousness, lumbago, catarrh, indigestion, stomach, kidney, bladder, heart, throat and lung trouble, torpid-liver, run-down condition, pyorrhea halitosis, sugar diabetes, sleeplessness.

On June 4, 1934, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22969. Misbranding of Fagisote. U. S. v. 12 Bottles of Fagisote. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32580. Sample no. 71305-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Fagisote at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 12, 1934, by the McKesson-Langley Michaels Co., Ltd., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fagisote * * * Olivoint Chemical Company, Manufacturers and Distributors * * * San Francisco."